



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 23, 1997

Ms. Jennifer D. Soldano
Associate General Counsel
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2483

OR97-2368

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 110221.

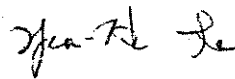
The Texas Department of Transportation (the "department") received an open records request from an attorney for "a complete copy of the traffic investigation Accident Report and copies of each and every witness statement taken by your company and by investigation officers." You seek to withhold the requested information pursuant to section 552.103 of the Government Code.

To secure the protection of section 552.103(a), a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. Open Records Decision No. 588 (1991) at 1. In this instance, the open records request was served on the department as part of a notice of claim on behalf of the requestor's client, who wishes "to pursue her cause of action" against a department employee. Based on this and other language contained in the notice of claim, we conclude that the requested information relates to reasonably anticipated litigation for purposes of section 552.103(a). The department therefore may withhold the requested records pursuant to section 552.103.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/rho

Ref.: ID# 110221

Enclosures: Submitted documents

cc: Ms. Guadalupe Ruiz
111 Lexington
San Antonio, Texas 78205
(w/o enclosures)